

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

MARY D. ALES)	
Claimant)	
VS.)	
)	Docket No. 206,277
THE BOEING COMPANY)	
Respondent)	
AND)	
)	
AMERICAN MANUFACTURERS)	
MUTUAL INSURANCE COMPANY)	
Insurance Carrier)	

ORDER

Respondent and its insurance carrier appeal from a January 6, 1997, Award entered by Assistant Director Brad E. Avery.

APPEARANCES

Claimant appeared by and through her attorney, Steven R. Wilson of Wichita, Kansas. Respondent and its insurance carrier appeared by and through their attorney, Frederick L. Haag of Wichita, Kansas.

RECORD AND STIPULATIONS

The Appeals Board has considered the record and adopted the stipulations listed in the Award.

ISSUES

The only issue raised by respondent in its Application for Review is the nature and extent of claimant's disability.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the entire record and having considered the submission briefs of the parties, the Appeals Board finds that the Award entered by the Assistant Director should be affirmed.

The findings of fact and conclusions of law as enumerated in the Award by the Assistant Director are found to be accurate and appropriate and are hereby adopted by the Appeals Board as its own as if specifically set forth herein. The Appeals Board agrees that claimant has sustained her burden of proof that the bilateral knee injuries, for which surgery was performed, have rendered her incapable of performing her regular job duties with respondent. She has not worked since her date of accident as it was found to be by the Assistant Director. Therefore, she is entitled to a permanent partial general disability award based upon the extent to which she has lost the ability to perform the work tasks she had performed during the fifteen years prior to her accident, averaged with her percentage of wage loss. K.S.A. 44-510e(a).

The Appeals Board adopts the analysis of the evidence by the Assistant Director regarding the nature and extent of claimant's disability. Specifically, the Appeals Board finds that claimant has proven by a preponderance of the credible evidence a work disability of 86.5 percent.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Assistant Director Brad E. Avery dated January 6, 1997, should be, and the same is hereby, affirmed in all respects. The orders contained in the Award are hereby adopted by the Appeals Board as its own.

IT IS SO ORDERED.

Dated this ____ day of April 1997.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Steven R. Wilson, Wichita, KS
Frederick L. Haag, Wichita, KS
Nelsonna Potts Barnes Administrative Law Judge
Brad E. Avery, Assistant Director
Philip S. Harness, Director